

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CONNECTU LLC,

Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and
THEFACEBOOK, INC.,

Defendants.

CIVIL ACTION NO. 1:04-cv-11923
(DPW)

District Judge Douglas P.
Woodlock

Magistrate Judge Robert B.
Collings

MARK ZUCKERBERG and
THEFACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

**PLAINTIFF'S NOTICE OF NEWLY IDENTIFIED AUTHORITY IN SUPPORT
OF PLAINTIFF'S MOTION TO COMPEL THE PRODUCTION OF MIRROR
IMAGES OF DEFENDANTS' HARD DRIVES AND OTHER ELECTRONIC
MEMORY DEVICES AND DOCUMENTS CREATED AFTER MAY 21, 2004**

Plaintiff ConnectU files this notice of newly identified authority in support of its Motion to Compel the Production of Mirror Images of Defendants' Hard Drives and Other Electronic Memory Devices and Documents Created After May 21, 2004 (Docket No. 37, filed July 28, 2005).

Counsel for ConnectU have become aware of a recent case that may have a bearing on whether Defendants should be compelled to produce mirror images of their hard drives and other electronic memory devices.¹

In *Experian Info. Solutions, Inc. v. I-Centrix, L.L.C.*, No. 04 C 4437, at 1 (N.D. Ill. July 21, 2005) (Ex. A), plaintiffs sought to obtain mirror images of the defendant's computers. *Id.* at 1. The court rejected the defendant's arguments that plaintiffs would capture confidential information and that the procedure would bring defendant's business to a halt. The court ordered the mirror imaging of defendant's computers using a modified version of the procedure set forth in *Simon Prop. Group L.P. v. mySimon, Inc.*, 194 F.R.D. 639 (S.D. Ind. 2000). *Id.* at 3-5.

Plaintiff ConnectU respectfully requests that the Court consider this newly identified authority when deciding Plaintiff's motion to compel the production of mirror images of Defendants' hard drives and other electronic memory devices.

¹ The *Experian* case was located when reading the September 13, 2005 version of *Kroll Ontrack Case Law Update and E-Discovery News*.

Respectfully submitted,

DATED: September 20, 2005

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